UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION

$\underline{\mathsf{LARRY}\;\mathsf{FALLER}}, \underline{\mathsf{DALE}\;\mathsf{AESCHMELLER}},$

Case No. 4:09-cv-4082

et al;

Plaintiffs,

VS.

MOTION TO AMEND COMPLAINT

SOUTH DAKOTA BOARD OF PARDONS AND PAROLE

Defendant.

Comes now the attorney for the Plaintiffs and requests the Court for permission to amend the original Complaint. Proposed Amended Complaint is attached.

Dated this 9th Day of September, 2009.

<u>/s/ Jonathan M. Edwards</u> (filed electronically) Jonathan M Edwards, Attorney at Law Attorney for the Plaintiffs 112 Marie Avenue North Sioux City, SD 57049

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CERTIFICATE OF SERVICE

I, Jonathan M Edwards, hereby certify that on the 8th day of September, 2009, I electronically filed the foregoing Motion to Amend Complaint with the Clerk of Court using the DM/ECF system, which notifies the State Attorney General and the Board of Parole and Pardons.

<u>/s/</u> *Jonathan M. Edwards* (filed electronically) Jonathan M Edwards, Attorney at Law